

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE:	:	
	:	
Seamus A. Smith	:	Case No.: 18-14803-mdc
	:	
Debtor (s)	:	Chapter 13

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**MOTION TO ALLOW NEW FINANCING**

**COMES NOW**, Seamus A. Smith, hereinafter referred to as “Debtor”, by and through his undersigned counsel, respectfully moves this Honorable Court for an Order Allowing Debtor to Incur New Debt and in support thereof aver as follows:

1. Debtors filed a Chapter 13 Bankruptcy on or about July 20, 2018.
2. The Chapter 13 filing was assigned case number 18-14803.
3. The Chapter 13 Plan was confirmed by this Honorable Court on or about January 30, 2019.
4. Debtor and non-filing former spouse own the property known as and located at 126 Shisler Street Clifton Heights, PA 19018 (hereinafter referred to as “subject property”).
5. Debtor is currently paying the mortgage arrears through the Chapter 13 Bankruptcy plan.
6. Non-filing former spouse is desirous of refinancing the subject property and removing Debtor from mortgage and deed and Debtor is desirous of being removed from same.
7. The Chapter 13 Plan will remain a pro-rata distribution to unsecured creditors.

8. There is no equity in the subject property and Debtor intends to file a Modified Plan to surrender the property once financing has been approved.

9. At the time of filing the instant Motion, the Debtor is current on his obligations to the Chapter 13 Trustee.

10. In consideration thereof, Debtor requests this Honorable court to enter an order allowing non-filing former spouse leave to re-finance the subject property.

**WHEREFORE**, the Debtor requests an Order allowing non-filing former spouse to re-finance the subject property.

Dated: November 9, 2020

/s/Brad J. Sadek, Esq  
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